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MICROSOFT CORPORATION
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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 MICROSOFT CORPORATION, a
Washington corporation,

16 Plaintiff,

17 v.
18

19 INTRAX GROUP, INC., d/b/a, SURPLUS
COMPUTERS, a California corporation;
20 MICHAEL MAK, an individual; and JOHN
DOES 1-5,

21 Defendants.
22

No. 07-CV-01840-CW

[PROPOSED] ORDER GRANTING
PLAINTIFF MICROSOFT
CORPORATION'S MOTION FOR
SUMMARY JUDGMENT

23 **ORDER**

24 This matter came before the Court upon plaintiff Microsoft Corporation's
25 ("Microsoft") Motion for Summary Judgment against defendant Michael Mak ("Mr Mak") as
26 to liability on Claims I and II of the Complaint for Damages and Injunctive Relief. Having
27 reviewed the documents filed in this action, having heard the argument of counsel, if any, and
28

1 being fully advised, the Court hereby GRANTS Microsoft's Motion for Summary Judgment,
2 as follows:

3 **(1) Liability on Claims I and II**

4 Pursuant to Federal Rule of Civil Procedure 56, the Court finds that Microsoft is
5 entitled to judgment as a matter of law that defendant Mr. Mak is liable for infringement of
6 Microsoft's copyrights, 17 U.S.C. § 501, and unauthorized importation of copyrighted
7 Microsoft works, 17 U.S.C. § 602(a). Microsoft has submitted uncontroverted evidence
8 showing that Mr. Mak infringed Microsoft's copyrights in the following software: Microsoft
9 Windows XP, Microsoft Office 2003, Microsoft Access 2003, Microsoft Excel 2003,
10 Microsoft Outlook 2003, Business Contact Manager for Microsoft Outlook 2003, PowerPoint
11 2003, Microsoft Word 2003, InfoPath 2003, Microsoft Office XP, Microsoft Access 2002,
12 Microsoft Excel 2002, Microsoft Outlook 2002, Microsoft PowerPoint 2002, Microsoft Word
13 2002, Microsoft FrontPage 2002, Microsoft Windows 2003 Server, and Microsoft Visio 2003.

14 The damages to which Microsoft is entitled from Mr. Mak due to his infringing
15 conduct will be determined at trial or by subsequent motion.

16 **(2) Permanent Injunction**

17 Pursuant to 17 U.S.C. § 502(a), the Court finds that Microsoft is entitled to a
18 permanent injunction as follows: The Court ORDERS that defendant Mr. Mak, along with
19 his agents, servants, employees, representatives, successors, assigns, and all those persons
20 acting at his direction or control, shall be and hereby are permanently ENJOINED and
21 RESTRAINED from:
22

23 (a) distributing or making any other infringing use of Microsoft Student
24 Media software protected by Microsoft's copyrights, including, but not limited to, the
25 following Certificate Registration Numbers:

- 26 (i) TX 5-407-055 ("Microsoft Windows XP");
27 (ii) TX 5-837-617 ("Microsoft Office 2003");
28 (iii) TX 5-901-713 ("Microsoft Access 2003");

- (iv) TX 5-837-636 (“Microsoft Excel 2003”);
- (v) TX 5-900-087 (“Microsoft Outlook 2003”);
- (vi) TX 5-877-513 (“Business Contact Manager for Microsoft Office Outlook 2003”);
- (vii) TX 5-852-649 (“Microsoft PowerPoint 2003”);
- (viii) TX 5-900-088 (“Microsoft Word 2003”);
- (ix) TX 5-837-519 (“Microsoft InfoPath 2003”);
- (x) TX 5-329-272 (“Microsoft Office XP”);
- (xi) TX 5-321-421 (“Microsoft Access 2002”);
- (xii) TX 5-318-231 (“Microsoft Excel 2002”);
- (xiii) TX 5-321-422 (“Microsoft Outlook 2002”);
- (xiv) TX 5-318-232 (“Microsoft PowerPoint 2002”);
- (xv) TX 5-321-425 (“Microsoft Word 2002”);
- (xvi) TX 5-321-423 (“Microsoft FrontPage 2002”);
- (xvii) TX 5-811-026 (“Microsoft Windows 2003 Server”);
- (xviii) TX 5-837-614 (“Microsoft Visio 2003”); and
- (xix) Other items or works protected by Microsoft’s copyrights;

(b) importing to or distributing within the United States any Microsoft software programs (including but not limited to Student Media), components, end user license agreements, or any other items protected by Microsoft’s copyrights, including, but not limited to, the following Certificate Registration Numbers:

- (i) TX 5-407-055 (“Microsoft Windows XP”);
- (ii) TX 5-837-617 (“Microsoft Office 2003”);
- (iii) TX 5-901-713 (“Microsoft Access 2003”);
- (iv) TX 5-837-636 (“Microsoft Excel 2003”);
- (v) TX 5-900-087 (“Microsoft Outlook 2003”);

- (vi) X 5-877-513 (“Business Contact Manager for Microsoft Office Outlook 2003”);
- (vii) TX 5-852-649 (“Microsoft PowerPoint 2003”);
- (viii) TX 5-900-088 (“Microsoft Word 2003”);
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- (xvi) TX 5-321-423 (“Microsoft FrontPage 2002”);
- (xvii) TX 5-811-026 (“Microsoft Windows 2003 Server”);
- (xviii) TX 5-837-614 (“Microsoft Visio 2003”); and
- (xix) Other items or works protected by Microsoft’s copyrights; manufactured abroad and licensed for exclusive distribution outside the United States;

(c) engaging in any other activity constituting an infringement of any of Microsoft’s copyrights;

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(d) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in numbered paragraphs (a) through (c) above.

IT IS SO ORDERED.

DATED this ____ day of _____, 2008.

Hon. Claudia Wilken
United States District Judge

Presented by:
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following parties, by the means designated below, this 10th day of July, 2008:

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